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PATENT APPLICATION

ATTORNEY DOCKET NO. 10970451 -4

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11-2601

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Lawrence N. Taugher

Confirmation No.:

Application No.: 08/823823

Examiner: Ali Neyzari

Filing Date: Mar 25, 1997

Group Art Unit: 2651

Title: Write Protect For Rewritable Compact Disks And Digital Video Disks

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TRANSMITTAL OF REPLY BRIEF

Sir:

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Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on 7/17/01. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 8/31/01

Typed Name: Crissy J. Salazar

Signature: 

Respectfully submitted,

Lawrence N. Taugher

By 

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Date: 8/31/01

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Inventor(s): Lawrence N. Taugher

Serial No.: 08/823,823

Examiner: Ali Neyzari

Filing Date: 03/25/97

Group Art Unit: 2651

Title: WRITE PROTECT FOR REWRITABLE COMPACT DISKS AND DIGITAL VIDEO DISKS

THE ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

REPLY BRIEF

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In claim 1, a functional area of the disk that is necessary for recording, the power calibration area, is covered. In the prior art, rings or other items are placed where they can be detected by software, but they do not cover a functional area of the medium.

Accordingly, the prior art must be modified to include all the limitations of claim 1. From MPEP 2142, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references.

In the examiner's answer the examiner makes the following statement: "To cover any area of any subject in order to prevent an operation to take place in such an area is a common practice and is nothing new in the art." This statement is not true, and the examiner has not provided any support for such a statement. The examiner has not cited any prior art that teaches or suggests covering a functional area of a medium. The only art cited merely places a ring or other object in a location where it can be detected, not where it physically interferes with operation.

The examiner then states a conclusion - that it would be obvious to place a ring onto a functional area of the disk so that it physically prevents writing - without satisfying the

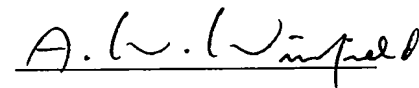
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requirements of MPEP 2142. The examiner does not provide any reasons for modification, but merely provides a restatement of the conclusion. The following is a quote of the conclusion from the examiner's answer: "Therefore, it would be obvious when the power calibration is covered by any means (such as a ring, since this is a circular area) the laser power calibration becomes impossible, which can affect the operation of the system such as preventing the disk from rewriting." This unsupported conclusion states the applicant's claim as obvious, but the examiner has provided no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references. Accordingly, no *prima facie* case of obviousness has been established.

On page 5 of the examiner's answer, the examiner merely makes a statement that the motivation is found in the knowledge generally available to one of ordinary skill in the art. However, the examiner has not provided any evidence of such knowledge. None of the prior art teaches or suggests covering a functional area of a medium.

In view of the above, applicant again respectfully requests that the examiner's rejection of claims 1-11 be reversed.

Respectfully submitted,



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August 31, 2001

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